

EXHIBIT 2

DECLARATION OF
CHRISTOPHER A. MITCHELL

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
- - - - -
CELLULOSE MATERIAL SOLUTIONS,) Case No.
LLC,) 3:22-cv-03141-LB
Plaintiff,)
vs.)
SC MARKETING GROUP, INC.,)
Defendant.)
- - - - -

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VIDEOTAPED DEPOSITION OF SALVATORE CARDINALE
PERSON MOST KNOWLEDGEABLE
ON BEHALF OF SC MARKETING GROUP, INC.
WEDNESDAY, AUGUST 2, 2023

BEHMKE REPORTING AND VIDEO SERVICES, INC.
BY: SUZANNE I. ANDRADE, CSR # 10682
455 MARKET STREET, SUITE 1800
SAN FRANCISCO, CALIFORNIA 94105
(415) 597-5600

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videotaped deposition of SALVATORE CARDINALE, PERSON
MOST KNOWLEDGEABLE on behalf of SC MARKETING GROUP,
INC., taken on behalf of PLAINTIFF, at 201 Mission
Street, Suite 2310, San Francisco, California,
commencing at 9:07 a.m., WEDNESDAY, AUGUST 2, 2023,
before Suzanne I. Andrade, Certified Shorthand Reporter
No. 10682, pursuant to Notice.

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1 seven hours. So I think we're going to -- I think we
2 should just keep going until we get to lunch.

3 MR. MITCHELL: Okay. All right. Well, we'll --
4 we'll press on until noon, and then we'll take a lunch
5 break.

6 THE WITNESS: I'm okay with it. I'm okay with it.

7 MR. MITCHELL: Okay. Very good.

8 Yeah. I'm going to hand you what's been marked
9 Plaintiff's Exhibit K. This is TSS production Bates
10 -583.

11 (Plaintiff's Exhibit K was marked for
12 identification.)

13 BY MR. MITCHELL:

14 Q. Take a look at that, if you would for a moment.

15 A. (Examines document.)

16 Okay.

17 Q. Okay. Do you recognize that document?

18 A. I do.

19 Q. Okay. Is that a Thermal Shipping Solutions
20 purchase order?

21 A. It is.

22 Q. Okay. And that's dated February 23, 2016?

23 A. Yes, it is.

24 Q. Okay. And that PO appears to be to CMS as the
25 vendor; is that correct?

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1 A. That is correct.

2 Q. And ship to says "Dinner Thyme"?

3 A. Yes, sir.

4 Q. Would that be the -- that's the ultimate
5 customer of the shipment?

6 A. That is. And that was at least one of the
7 customers that I couldn't remember the name to earlier.

8 Q. Okay. When we were talking about what, the
9 first sale of --

10 A. Yeah.

11 Q. -- Renewliner?

12 A. Yeah. One of the first sales. I don't know if
13 this is the first; but, yes, one of the first.

14 Q. Okay. So in the item -- so your recollection
15 is this is a Renewliner order?

16 A. Yes.

17 Q. Okay. And the item says "PETAB."
18 See that in the "Item" column?

19 A. Yep.

20 Q. Okay. That's a reference to -- that's --
21 that's how TSS refers to the Renewliner?

22 A. At that time, yes. I believe it is very
23 similar in item codes now. But, yes, at that time,
24 that's how it was referred to.

25 Q. Okay. So the item code -- thank you -- that's

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1 WEDNESDAY, AUGUST 2, 2023; 1:24 P.M.

2 THE VIDEO OPERATOR: Back on the record. The time
3 is 1:24 p.m.

4 EXAMINATION RESUMED

5 BY MR. MITCHELL:

6 Q. Okay. We're back on the record.

7 A. Yes.

8 Q. Mr. Cardinale, all set?

9 A. Yep, all set. Thank you.

10 Q. Okay. I'll remind you that you are under oath.

11 A. Yes, sir.

12 Q. Very good.

13 I wanted to get a little bit into the
14 relationship between TSS and CMS.

15 When did -- when did TSS first become involved
16 with CMS?

17 A. I believe it was as early as 2014.

18 Q. Okay. And how did that come about?

19 A. Seeking more sustainable packaging material as
20 insulation.

21 Q. Okay. Who was seeking?

22 A. I was.

23 Q. Okay. So TSS reached out to CMS?

24 A. Yes, after doing several Google searches and
25 realized that they had a material that might be -- might

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1 not meet the requirements that we were looking for --

2 Q. Okay.

3 A. -- for our customers.

4 Q. And what material was that?

5 A. Initially, the paper -- cellulose paper
6 insulation that they offer and had been selling to, I
7 guess, in the building industry primarily. We saw that
8 online and said look into it, being that we recognized
9 that paper was very recyclable and did meet the curbside
10 recyclable requirements that we were seeking to offer
11 our customers.

12 Q. Okay. And what happened next?

13 A. Contacted CMS and I guess spoke to initially
14 Matt Henderson and inquired what they had, what they
15 could produce, thicknesses, could they make it in
16 different thicknesses, and everything that our -- our
17 customers would require and whether or not they had the
18 capabilities to produce those specifications.

19 Q. Okay.

20 A. And we moved forward and basically eventually
21 got to the quoting process and sampling process. And
22 it -- you know, so we can evaluate the product that they
23 advertised online.

24 Q. Okay. And when did they -- did they provide
25 you a sample of product?